

MINUTES

HOUSE JUDICIARY, RULES & ADMINISTRATION COMMITTEE

DATE: Thursday, February 27, 2020

TIME: 2:00 p.m. or Upon Adjournment of Afternoon Floor Session

PLACE: Room EW42

MEMBERS: Chairman Chaney, Acting Vice Chairman Monks, Representatives Kerby, Amador, Zito, Zollinger, Ehardt, Scott, Goesling, Hartgen, Marshall, Ricks, Troy, Young, Gannon, McCrostie, Wintrow, Davis

**ABSENT/
EXCUSED:** None

GUESTS: Francoise Cleveland, AARP Idaho, Jason Spillman, AOC/ISC

Chairman Chaney called the meeting to order at 3:31 p.m.

Chairman Chaney reviewed the bills that have been heard in Committee but have not been scheduled for consideration. Those bills are **H 468**, **H 465**, **H 458** and the prostitution bill. Some will be held, and some will come back to Committee with a new RS.

Chairman Chaney stated without objection, these bills will be held in Committee. There was no objection.

H 463: **Chairman Chaney** returned the bill to the Committee for consideration. This bill creates a new section in the Juvenile Corrections Act to allow the counties to create a juvenile pretrial supervision program and collect associated fees.

MOTION: **Rep. Troy** made a motion to send **H 463** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote.** **Rep. Hartgen** will sponsor the bill on the floor.

H 469: **Chairman Chaney** returned the bill to the Committee for consideration. This bill amends the drug trafficking statute as it relates to minimum amounts of heroin that can be possessed without triggering mandatory minimum sentencing. It also adds specified quantities and sentencing time frames for fentanyl.

MOTION: **Rep. Amador** made a motion to send **H 469** to the floor with a **DO PASS** recommendation.

SUBSTITUTE MOTION: **Rep. Davis** made a substitute motion to send **H 469** to General Orders. She stated she has seen the Attorney General opinion that the amount of marijuana would be measured in edibles.

Rep. Amador stated he will not support the substitute motion. The bill does not change anything related to weights of marijuana.

Reps. Monks, Kerby, Hartgen, Troy and **Chaney** spoke in support of the original motion. The discussion addressed the lack of time to get the bill to General Orders.

Rep. Zollinger spoke in support of the substitute motion.

VOTE ON SUBSTITUTE MOTION: **Rep. McCrostie** requested a roll call vote on the substitute motion to send **H 469** to General Orders. **Motion failed by a vote of 5 AYE and 13 NAY.** Voting in favor of the motion: **Reps. Zito, Zollinger, Scott, Gannon, Davis.** Voting in opposition to the motion: **Reps. Chaney, Monks, Kerby, Amador, Ehardt, Goesling, Hartgen, Marshall, Ricks, Troy, Young, McCrostie, Wintrow.**

SUBSTITUTE MOTION: **Rep. McCrostie** made another substitute motion to send **H 469** to the floor without recommendation.

Reps. Amador, Wintrow and Monks spoke in opposition to the second substitute motion.

Rep. Zollinger spoke in support of the second substitute motion.

**VOTE ON
SUBSTITUTE
MOTION:**

Chairman Chaney requested a roll call vote on the second substitute motion to send **H 469** to the floor without recommendation. **Motion failed by a vote of 8 AYE and 10 NAY. Voting in favor** of the motion: **Reps. Zito, Zollinger, Ehardt, Scott, Young, McCrostie, Wintrow, Davis. Voting in opposition** to the motion: **Reps. Chaney, Monks, Kerby, Amador, Goesling, Hartgen, Marshall, Ricks, Troy, Gannon.**

**VOTE ON
ORIGINAL
MOTION:**

Chairman Chaney requested a roll call vote on the original motion to send **H 469** to the floor with a **DO PASS** recommendation. **Motion carried by a vote of 16 AYE, 1 NAY, 1 ABSENT/EXCUSED. Voting in favor** of the motion: **Reps. Chaney, Monks, Kerby, Amador, Zollinger, Ehardt, Scott, Goesling, Hartgen, Marshall, Ricks, Troy, Young, Gannon, McCrostie, Wintrow. Voting in opposition** to the motion: **Rep. Davis. Rep. Zito was Absent/Excused. Rep. Chaney** will sponsor the bill on the floor.

S 1227:

Rep. McCrostie presented **S 1227**. This bill addresses defects in the law regarding procedural time frames. It establishes hearing time periods in adoption cases computed only on seven day increments. This will bring adoption proceedings in line with the courts' efforts to reduce confusion to those affected.

Jason Spillman, ISC spoke in support of the bill. He said defects or omissions in law are required by the constitution to be corrected. In answer to a committee question, he said as mistakes are found they are corrected.

S 1219:

Rep. Hartgen presented **S 1219**. This defect bill corrects inaccurate language to reflect the pertinent "best interests of the person with a developmental disability" standard.

Jason Spillman spoke in support of the bill, saying this legislation furthers the court's effort to reduce confusion by setting procedural time frames in seven day increments.

S 1220:

Rep. Wintrow presented **S 1220**, which addresses procedural time periods for temporary appointments in conservatorship and guardianship cases.

S 1256:

Rep. Marhsall presented **S 1256**. He said this is another clean-up bill relating to bail enforcement agents and assignment of affidavits.

S 1337:

Rep. Zollinger said this clean-up bill clarifies statute regarding prioritization of payments applied to criminal cases and infractions. It also adds a category for victims of crimes.

ADJOURN:

There being no further business to come before the committee, the meeting adjourned at 4:13 p.m.

Representative Chaney
Chair

Wendy Carver-Herbert
Secretary